

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LUIS AZUCENA,

Plaintiff,

- against -

CAPITAL MANAGEMENT SERVICES, LP,

Defendants.
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: **MEMORANDUM DECISION**
: **AND ORDER**

: 2:19-CV-04683 (AMD) (ST)

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ANN M. DONNELLY, United States District Judge:

On March 28, 2019, the plaintiff brought this action pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (ECF No. 1 ¶ 1.) Five months later, the defendant removed the case to this Court. (ECF No. 1-3 at 2-3.) On January 6, 2020, the defendant moved to dismiss the case for lack of prosecution. (ECF No. 6.)

Magistrate Judge Steven Tiscione issued a report and recommendation on April 10, 2020, in which he recommends that I dismiss the action with prejudice for failure to prosecute. (ECF No. 8 at 4.) Judge Tiscione observes that the case has remained idle for over eight months, and that the plaintiff has not responded to his orders. (*Id.* at 2-3.)

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *Jarvis v. N. Am. Globex Fund L.P.*, 823 F.Supp.2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks omitted).

I have reviewed Judge Tiscione's well-reasoned report and recommendation and find no error. Accordingly, I adopt the report and recommendation. The case is dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

s/Ann M. Donnelly

Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
May 1, 2020